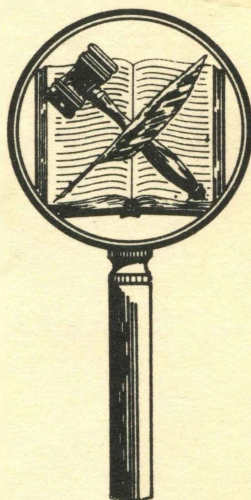
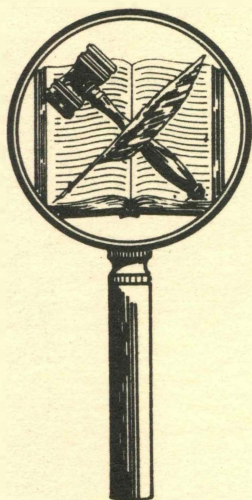
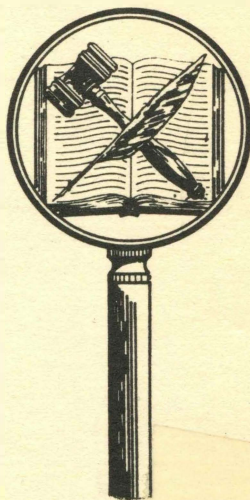
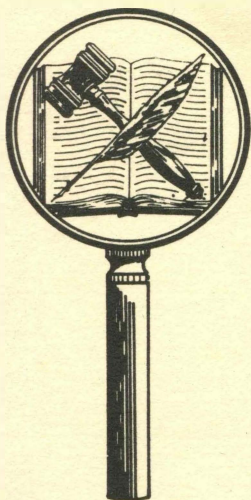


JULY 1976 - JUNE 1977

77

FOURTH ANNUAL OMBUDSMAN REPORT



Lieutenant Governor
WILLIAM C. PHELPS
Ombudsman

COVER STORY

The magnifying glass is the tool of an examiner, one who wishes to know truth's smallest details. Here it implies that the ombudsman professes that same diligence and keen interest in the facts.

The tome depicted conceals two legends — one on either side of the central dividing line as to keep proper balance. The legend on the left says "The voice of the people, I will defend." That on the right says "Justice for all."

The plume denotes the constitutional charter. The gavel indicates the law to enforce the charter and the harmonious counterpoise between government and the governed.



OFFICE OF
THE LIEUTENANT GOVERNOR
JEFFERSON CITY, MISSOURI
65101

WILLIAM C. PHELPS
LIEUTENANT GOVERNOR

(314) 751-2421

OPEN LETTER TO THE CITIZENS OF MISSOURI AND THE MISSOURI GENERAL ASSEMBLY

During the past four years, it has been a challenge to establish the ombudsman service, a new concept to state government in Missouri. Since initiating the program, my office has responded to over 5,000 complaints and requests. For the period July 1976 through June 1977, 1,562 cases have been served, which is our highest annual caseload.

In resolving problems for people, the cooperation of agency personnel, the legislature, and other elected officials has been greatly appreciated.

The program is fulfilling a need for the citizens who need guidance in procedures of state agencies or are frustrated by the agency's action or inaction.

It is my goal to ensure that, when needed, all citizens can obtain help in breaking through the red tape of state government. Hopefully, the ombudsman program has helped give the public some of the service they deserve for their tax dollars.

William C. Phelps
Ombudsman

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Chapter I

THE OMBUDSMAN CONCEPT

Because the ombudsman concept is relatively new in the United States, a brief explanation of its development is necessary. The ombudsman concept is of Swedish origin and dates back to 1809. In that year, the Swedes established a "Parliament's Agent of Justice" as a counterweight in the balance of power, whereby both the king and parliament controlled the administration of justice through the judges and police. Finland followed this lead when it gained independence in 1919.

The purpose of an ombudsman is twofold: to improve the quality of service the public receives from government, which will improve the public attitude about government. In order to accomplish this purpose, an Ombudsman receives and investigates citizen complaints, and if justified he makes recommendations for change and provides information about government upon request. As American government on every level increased in complexity, the need became apparent for assistance to individual citizens to help alleviate the frustrations of bureaucracy.

Webster's Third New International Dictionary's definition of "bureaucracy" is in part as follows: (1) the whole body of nonelective government officials... (2) a system of administration marked by indifference to human needs or public opinion and by a tendency to defer decisions to superiors or to impede action with red tape.

In establishing an ombudsman program, care should be taken to insure that more bureaucracy is not added to fight bureaucracy. In order to avoid being classed as another "bureaucracy" the ombudsman should be an elected official who is directly responsible to the people. (See chapter II) Ideally, the officer should not have specialized functions or fixed rules of procedure. His system of administration must be marked by freedom of initiative and flexibility. Above all, the ombudsman must be sympathetic to human needs.

In recent years the United States has adapted the ombudsman concept from Scandinavia which has a parliamentary system to our system of separation of powers into three branches of government. This adaptation has resulted in a difference of opinion whether an ombudsman can be most effective in the executive or legislative branch in this country.

A legislative ombudsman is appointed or hired by a legislative body either directly or indirectly. An executive ombudsman is usually either appointed by executive order of the Governor or assumed by an elected official. Some ombudsmen are established by law.

Chapter II

HISTORY OF THE OMBUDSMAN IN MISSOURI

The ombudsman trend is growing in the United States. Approximately twenty states have adopted some form of state ombudsman service.

Other Lt. Governors have established or are considering the program for their states. The concept of an elected state official serving as ombudsman is logical because the appointed system renders the ombudsman responsible to that individual or body which appoints him and not the citizenry. The office of Lt. Governor of Missouri is ideally suited to serve as the office of citizen complaints because it:

1. is elected by all the voters of the state and thus is responsible only to the public at large, rather than an appointing authority.
2. is not limited to specific duties and therefore does not suffer from the lack of flexibility.
3. has the prestige as the second highest elected official in the state through which the respect and cooperation of an agency is enlisted.
4. can function as ombudsman at the lowest possible cost to the taxpayer because the existing office and staff is utilized together with student interns.

In addition to his duties as ombudsman, Lt. Governor William C. Phelps serves as State Volunteer Coordinator. By statute, the Lt. Governor serves as a member of the Board of Public Buildings. Under the Constitution, he serves as Acting Governor when the Governor is away from the state and as presiding officer of the Senate.

During his 12 years of service as a member of the Missouri House of Representatives, Phelps realized that many citizens were not familiar with the administrative structure and procedures of state government. As a legislator he had co-sponsored bills which would have created an ombudsman for the state, but they failed to receive sufficient support for passage.

Upon his election as Lt. Governor in 1972, the ombudsman concept became part of Phelps' plan to expand the operation of the office on a full time basis. Since the duties as President of the Senate and specific statutory duties of the Lt. Governor did not require full time service, the office could effectively handle citizen complaints.

Phelps formally announced his intention to serve as ombudsman in 1973 stating "there is a need for a visible ombudsman for citizens who request help — one that responds to needs, not pressure."

After examining other programs, Phelps concluded that enforcement or subpoena powers which were embodied in the various legislative proposals were not essential to a successful ombudsman program. His office could obtain necessary cooperation from the agency directors and the open records law will provide sufficient access to records. The ombudsman should be the citizen's aide, not a prosecutor, Phelps believed.

On July 11, 1973, Lt. Governor William C. Phelps voluntarily assumed the role of state Ombudsman and outlined the areas within the jurisdiction of the ombudsman as follows:

1. Investigate a complaint concerning inaction or improper action of an administrative agency or employees of the state government.
2. Enlist the cooperation of an agency if an investigation shows that a mistaken, unfair or arbitrary action has occurred or there has been no action when action was justified.
3. Request timely response to the complaints.
4. Provide confidential treatment of cases and complaints upon request.
5. Answer questions relating to government at any level in cases in which a person does not know where or to whom his questions should be directed.

Through this service, Phelps believes that the individual citizen can be benefited and hopefully the citizen's faith in our system restored. Phelps also listed several areas not open to an ombudsman:

1. He cannot investigate actions of local government, such as cities and counties, or the federal government.
2. Acts of the legislature and the Governor are not a matter of his jurisdiction.
3. Courts and quasi-judicial agencies in which parties are represented by attorneys are necessarily independent of his inquiry.
4. Action between private parties and not involving agencies of state government are not within his jurisdiction.
5. Personnel decisions regarding the hiring and firing of state employees are not within his jurisdiction.
6. He cannot accept any money, favors, gifts or any other form of payment for services rendered in connection with his ombudsman responsibilities.

Even though it may be beyond his jurisdiction, the ombudsman attempts to inform appropriate local or federal government officials of any complaint related to their unit of government so that consideration of the problem can be given by the appropriate officials. He also becomes an advocate for change or repeal of a rule or regulation of an agency which is discovered as a result of his investigation to be unreasonable or oppressive.

The unique differential in the Missouri ombudsman program is its emphasis on youth. The Lt. Governor enlists highly qualified students who show a genuine interest in political science or public administration to serve as interns in the program. The student interns receive college credit and obtain a keen perspective of state government not found in any classroom. With supervision by Phelps, and his staff, they work directly upon real problems of state government. Their valuable

NUMBER OF CASES RECEIVED

Since the beginning of the program in 1973, more than 5,000 cases have been received, an indication that a number of people are aware that the program exists and want to use the service.

During the past year, a record number of people, 1,562, contacted the Ombudsman. Again, as in previous years, the caseload is seasonal with the largest volume of cases in the summer and fall.

The following is a monthly breakdown, during the 1976-77 fiscal year and an annual breakdown.

CASELOAD PER MONTH

	Number	Percentage
July	154	9.86
August	160	10.24
September	180	11.53
October	162	10.37
November	119	7.62
December	94	6.02
January	115	7.36
February	135	8.64
March	107	6.85
April	100	6.40
May	114	7.30
June	<u>122</u>	<u>7.81</u>
TOTAL	1,562	100.00

YEARLY CASELOAD

	Number of Cases
1973-1974	773
1974-1975	1,400
1975-1976	1,273
1976-1977	<u>1,562</u>
TOTAL	5,008

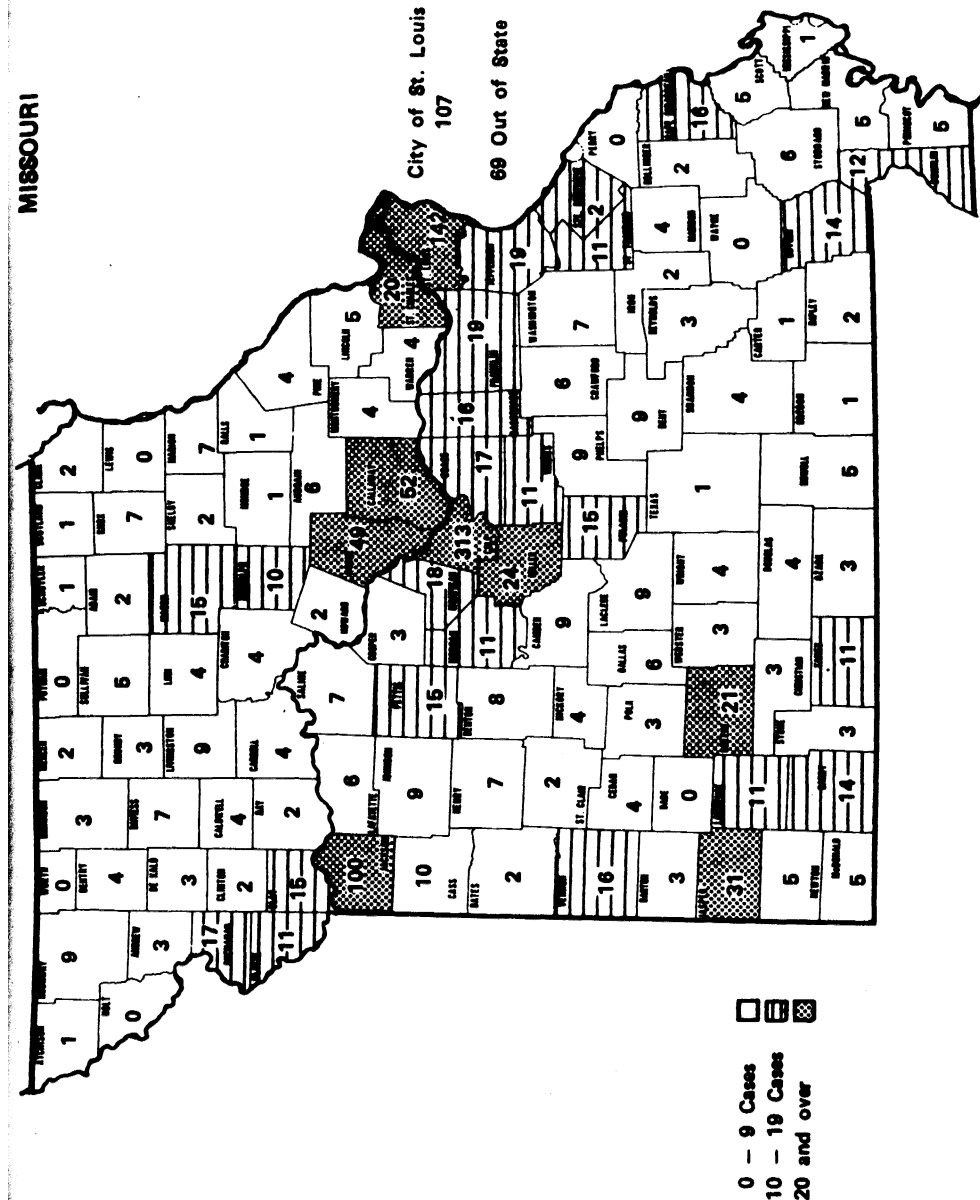
CASE DISTRIBUTION BY COUNTY

During the four years, cases have been received from all of Missouri's 114 counties and the City of St. Louis. Cases were received from 108 counties in the 1976-77 fiscal year.

Greater St. Louis residents sent the Ombudsman 247 cases or 15.8% and the Greater Kansas City area was responsible for 126 cases or 8.1% of the caseload. Jackson County has the services of a County Ombudsman which absorbs some of the complaints from that area. In the first year of the program one in eight cases came from the metropolitan areas; one in three in the second year, one in four in the third year, and again one in four in the fourth year.

A possible reason for the large ratio of out-state cases is that the Ombudsman Monthly Report is printed in many newspapers, which are more prominent in rural Missouri. Therefore, the people outside the metropolitan areas are more likely to learn of the program. (See "How the People Learn About the Ombudsman").

Cole County, the home of the State Capitol, requested the Ombudsman's assistance 313 times or 20% of the total caseload this past year. This large number is due to the fact that the program is more accessible to Cole County residents than any



other area of the state because the individual can call free of charge. It is Lt. Governor Phelps' desire that the legislature will eventually appropriate funds for an incoming toll-free number making the program equally accessible to everyone.

In addition, 69 cases were received from other states. The following map indicates the number of cases received from each county and the areas producing the bulk of cases.

HOW THE OMBUDSMAN IS CONTACTED

LETTER

In the first and second years of the program, the majority of cases were received by letter, 58% and 54%, respectively. Only 44% of the total caseload was initiated by a letter in the third year. In the fourth year, this trend continued with only 519 or 33% of the cases received by letter. There are advantages to written complaints and requests for information. A letter can be a more detailed explanation of the citizen's problem at the lowest possible cost.

TELEPHONE

Each year produces a larger percentage of cases received by telephone, during the fourth year 957 cases or 61% were received by telephone. The advantage of contacting the Ombudsman by telephone is the more immediate attention the problem or request receives, but at a greater cost.

Because of the increase in the percentage of cases received by telephone and the readily apparent affect on the number of people who use the program when they do not have to pay for the call (See "Cole County in Case Distribution"), Lt. Governor Phelps requested that the legislature appropriate funds for an incoming toll-free number for the 1977-78 fiscal year. That request was denied.

INTERVIEW

Lt. Governor Phelps and his staff speaks directly with citizens who bring their problem to his office. Through such interviews, 86 individuals or 6% of the total are helped.

HOW THE OMBUDSMAN IS CONTACTED

	Letter	Telephone	Interview	TOTAL
July	44	104	6	154
August	36	111	13	160
September	60	108	12	180
October	58	98	6	162
November	61	51	7	119
December	34	55	5	94
January	43	64	8	115
February	42	87	6	135
March	34	71	2	107
April	31	63	6	100
May	37	69	8	114
June	39	76	7	122
TOTAL	519	957	86	1,562

COMPLAINTS OR REQUESTS FOR INFORMATION

An Ombudsman case is either in the form of a complaint or request for information. Over the four years, the ratio between complaints to requests for information has remained relatively the same.

In 1976-77, the complaints numbered 1,081 or 69% and the requests for information amounted to 481 cases or 31%.

COMPLAINTS OR REQUESTS FOR INFORMATION

	Complaint	Information	TOTAL
July	109	45	154
August	103	57	160
September	110	70	180
October	107	55	162
November	86	33	119
December	81	13	94
January	79	36	115
February	104	31	135
March	73	34	107
April	74	26	100
May	72	42	114
June	83	39	122
TOTAL	1,081	481	1,562

NATURE OF COMPLAINTS

The nature of citizen complaints and requests for information has been analyzed in twenty-five categories. Many complaints fall under more than one category and clearly illustrate the need for improved communication at various levels of government.

Because each case can fall under as many as three categories, the total is larger than the actual number of cases. Therefore, the number of cases and percentages for this chart are based on a total of 1,774.

In the fourth year of operation, the primary reasons for complaints were: (1) consumer complaints, (2) lack of available information, (3) the protest of local, state, and federal agency decisions, (4) employment or personnel problems, (5) the

request for an investigation, and (6) a request for financial assistance.

When dealing with consumer complaints, the Ombudsman works with the agency that has regulatory authority. If none exists, the citizen is given an explanation of the programs specifically geared to working with consumer problems in both the public and private sector.

Employment and personnel problems include both questions or problems with unemployment benefits and personnel disputes, where the individual is explained the appropriate appeal process and referred to the appropriate office to initiate an appeal.

The Ombudsman has no authority to conduct legal investigations but in some instances can direct an individual to the appropriate law enforcement or court authorities.

Requests for financial assistance can come from a family who is in need of financial support or from a city or organization wanting to obtain financial help for a special project. The Ombudsman can provide information on sources of funding.

The chart on the following page depicts the broad scope of problems handled by the Ombudsman.

AGENCIES CONTACTED BY THE OMBUDSMAN

The three state executive departments most frequently contacted concerning complaints and information requests were the Department of Social Services; Department of Consumer Affairs, Regulation and Licensing; and the Department of Revenue. These departments have more direct contact with the public than other departments.

THE NATURE OF COMPLAINTS RECEIVED

	Number of Cases	Percentages
Administrative Mix-up	54	3.04
Business Interest	50	2.82
Communications Breakdown	74	4.17
Consumer Complaints	298	16.80
Desires Financial Assistance	93	5.24
Desires Forms and Applications	20	1.12
Desires Increased Subsidy	44	2.48
Desires Legal Assistance	70	3.95
Desires Legislative Information	23	1.30
Desires Rule or Law Change	54	3.04
Desires Scheduling Information	3	.17
Desires Statutory Information	83	4.68
Discrimination	19	1.07
Election Matter	7	.40
Employment or Personnel	128	7.22
Lack of Available Information	226	12.74
Matter of Litigation	74	4.17
Natural Resource Problem	25	1.40
Personality Dispute	15	.85
Protests Agency Decision	220	12.40
Public Works Problem	50	2.82
Requests Investigation (legal/agency)	102	5.75
Resource Shortages	0	0
Irrational Complaint	18	1.02
Unclassified Complaint	24	1.35
TOTAL	1774	100.00

The following charts provide statistical data about the federal, state, local and private agencies contacted. (For a listing of the division and units contacted within each department of state government and the various federal agencies contacted by the ombudsman, see Appendix.) More detailed statistical information can be obtained by contacting Lt. Governor Phelps' office.

BREAKDOWN OF AGENCIES CONTACTED BY THE OMBUDSMAN

	Number of Cases	Percentage
Federal Agencies	92	5.9
State Executive Officers	49	3.1
State Executive Agencies	732	46.9
Local Government Agencies	56	3.6
State Legislature	23	1.5
State Supreme Court	4	.1
*Small Claims Court	27	1.7
Omnibus	101	6.5
Missouri Bar Association	23	1.5
No Agency Contacted	365	23.4
No Jurisdiction	90	5.8
TOTAL	1,562	100.0

*The Small Claims Court was recently established in Missouri. A separate notation was made to determine the number of cases referred to the court.

BREAKDOWN OF CASES INVOLVING STATE EXECUTIVE AGENCIES

	Number of Cases	Percentage
Office of Administration	36	4.9
Department of Agriculture	5	.7
Department of Conservation	7	1.0
Department of Consumer Affairs, Regulation and Licensing	154	21.0
Department of Elementary and Secondary Education	18	2.5
Department of Higher Education	20	2.7
Department of Highways	24	3.3
Department of Labor and Industrial Relations	64	8.7
Department of Mental Health	18	2.5
Department of Natural Resources	30	4.1
Adjutant General	6	.8
National Guard	1	.1
Department of Public Safety	22	3.0
Department of Revenue	133	18.2
Department of Social Services	193	26.4
Department of Transportation	1	.1
TOTAL	732	100.0

WHO USES THE SERVICE

The ombudsman program is designed for the general public unfamiliar with the red tape or bureaucracy. The following data describes the occupational groups of citizens who need and benefit from the service.

In the cases where occupational information was made available white-collar workers, the unemployed, the self-employed, the retired, and the blue-collar workers represent the largest percentages of people using the program.

In addition, numerous contacts have been received from housewives, clerical workers, farmers, students, the disabled, and others.

As the program moves forward, it will continue to strive to make the service available to people of all walks of life.

HOW PEOPLE LEARN ABOUT THE OMBUDSMAN

APPEARANCES

While making public appearances around Missouri, Lt. Governor Phelps has responded to many questions about the ombudsman program and received complaints and inquiries. These appearances have helped to foster the public's awareness of the program's existence.

LEGISLATIVE REFERRALS

Members of the Missouri General Assembly refer problems and requests from their constituents to the Ombudsman.

By cooperating with legislators to aid constituents with problems and questions concerning executive agencies, the legislator is freed to concentrate on pending legislation.

MEDIA

The use of newspapers, radio, and television has facilitated public awareness of the program.

In order to further inform Missouri citizens about the service of the ombudsman, an Ombudsman Report is written monthly and sent to daily and weekly newspapers in Missouri.

Since August, 1974, these reports have continued to make Missouri citizens aware of typical complaints resolved by Lt. Governor Phelps and provide information on topics of interest.

Chapter IV

COMMENTS FROM THE PEOPLE

COMMENTS FROM THE PEOPLE

1973 — "The need for a closer relationship between the people and their government is vital if government participation is to replace apathy. Your proposal to expand the Lieutenant Governor's duties and staff to include ombudsmanship appears to be a workable, economical way to provide this valuable service to Missourians."

1973 — "In this day and age of "bigness", government to many people has become something quite removed from them. The people feel that their government is no longer responsive to their desires, wishes, goals, priorities, and complaints. Bureaucracy has become the "fourth branch of government", and many people simply cannot cope with this concept.

Your desire to develop your role as Lieutenant Governor into that of Ombudsman, would, it appears to me to be a positive and forceful step in restoring the peoples' faith in the democratic process.

I realize you face many obstacles to the formation of and acquiring necessary legislation and funding for this change. I would hope that the Legislature would see that this role would be a supportive and helpful role to them, rather than a hinderance. And that it would not usurp their power but compliment it."

1973 — "... I agree with you on the fact that, we badly need a place where, we the citizens could go to a "high member" or department that would investigate our complaints against state agencies and I have plenty I'd like to report."

1975 — "I am writing this time not to complain but to thank you for your time and effort in helping us solve a problem. . . . Your idea for the public to bring problems of this and other nature to your attention is an excellent one."

1976 – “Quite sometime ago we had a problem with my mother not being able to get some checks from medicare. We brought the problem to your attention; you investigated the situation and she received her checks. But I never bothered to thank you for your help! Not a large amount of money was involved but you cared and helped, and for that I am deeply grateful (even though late expressing it).”

1977 – “Lieutenant Governor Phelps came and looked at our problem, talked to all the affected people in the valley, went back to Jefferson City, wrote a letter to each, the Missouri Highway Commission and the Governor, told of our serious problem, which he told them our problem was man-made and should have their attention. . .”

1977 – “After a year of correspondence with this company, I got nowhere and am happy to know there is a state department, such as yours, who can make business people of this caliber realize that the majority of claims are honest.”*

1977 – “While others are often tempted to twist popular public contact programs, and as the Ombudsman Program to their own personal political advantage, your guidance enabled the Missouri Program to steer clear of such self-interest.”

*The Ombudsman Program does not regularly deal with consumer problems. However, in certain instances the program can be helpful with a consumer problem.

Chapter V

PROPOSAL

PROPOSAL

The first four years of service as Ombudsman has convinced Lt. Governor William C. Phelps that the program fulfills a vital need for the people and should be given continuity. For that purpose, Phelps proposes legislation to permanently establish the Lt. Governor as Ombudsman for the State of Missouri.

Because of recent budgetary difficulties, the need for greater program stability for this sound and proven program has become more and more apparent. In past years legislation has been introduced, but failed to establish a separate agency to provide ombudsman services. In Lt. Governor Phelps' view such proposals have two major disadvantages: (1) the Ombudsman would be influenced by whomever appoints him to the position and (2) more importantly, the cost of the program would substantially exceed the modest cost of operating the service in the Lt. Governor's office. When the problem is the bureaucracy, it does not make sense to create another bureaucracy to check on the bureaucracy, Phelps believes.

The legislature recently passed legislation that would raise the salaries of all the statewide elected officials, including Lt. Governor, effective in 1981. The people have a right to expect that added statutory duties go along with the salary increase.

In order to prevent political considerations from affecting legislation to permanently establish the Lt. Governor as Ombudsman, Lt. Governor Phelps would support the legislation even if it did not become effective until 1981, after his present term of office expires. The passage of such legislation would help ensure that the people of Missouri will always have an independent Ombudsman service.

Chapter VI

COST AND IMPACT OF THE PROGRAM

OPERATIONAL COST OF THE OMBUDSMAN PROGRAM

Prior to 1973, most Missouri Lieutenant Governors have used the non-legislative time to conduct private businesses or law practices while in office. The office of Lieutenant Governor was only a working office for 6-8 months of the year, yet taxpayers paid to maintain the office a full year. By establishing the office of citizen complaints in the office of Lieutenant Governor, Missourians have been spared the substantial cost of creating another bureaucracy with supporting staff, and equipment to check on the bureaucracy.

Past bills introduced in the Missouri Senate would have created an appointed ombudsman at an approximate cost to the taxpayer of \$178,000.00. Lt. Governor Phelps' total budget for operation of the entire Lt. Governor's office for fiscal year 1976-77 was \$68,405.00 which includes the Lt. Governor's constitutional \$16,000.00 salary and provides for only two full time staff members. The program is augmented by utilizing part time college interns and federal employees. This provides the service to the public at the lowest possible cost.

In other states where ombudsman programs exist, a much larger amount of money is spent for the programs. The 1976-77 budget for the Hawaii Ombudsman was \$275,369. The Lt. Governor of New York's budget was \$613,500 for all services.

THE IMPACT OF THE PROBLEM

The impact of the Ombudsman program has not stopped at the borders of Missouri. Since the beginning, requests for information about the program have come from across the country.

Requests were received from the following governmental bodies: the City of New York and New York State Legislative and Oversight Analysis Committee; Rhode Island Office of Volunteerism; New Jersey Public Advocates; State of Florida;

Massachusetts State Library; Wisconsin and Minnesota Legislatures; the Library of Congress, and the Council of State Governments.

The following contacts were made by libraries: University of Illinois, Washington, and Minnesota Law Libraries; University of California and Indiana Libraries and State University College of Arts and Sciences, Genesco, New York.

Information was also provided to private foundations and organizations in Kentucky and Wisconsin.

The Ombudsman Annual Report is sent to public libraries and university libraries throughout the state to permit every citizen access to the information.

The Lt. Governors of New York and New Mexico also serve as Ombudsman for their state while Wisconsin's Lt. Governor serves as Ombudsman for nursing home complaints.

APPENDIX

Telephone: (B) _____ (H) _____

[illegible]

FEDERAL

- A. Agriculture, U.S. Department of
- B. U.S. Army
 - 1. Corps of Engineers
- C. Environmental Protection Agency
- D. Federal Trade Commission
- E. Health, Education and Welfare, Department of
 - 1. Social Security Administration
- F. Housing and Urban Development, Department of
- G. Internal Revenue Service
- H. Labor, Department of
 - 1. Small Business Administration
- I. National Park Service
- J. Federal Energy Office

LOCAL

STATE-EXECUTIVE

- A. Governor
- B. Lt. Governor
- C. Secretary of State
- D. State Auditor
- E. State Treasurer
- F. Attorney General
 - 1. Consumer Protection Division

STATE-EXECUTIVE AGENCIES

A. Office of Administration

1. Design & Construction, Division of
2. Personnel, Division of
3. Purchasing, Division of

B. Agriculture, Department of

C. Conservation, Department of

D. Consumer Affairs, Regulation & Licensing, Department of

1. Arts, Council of the
2. Commerce & Industrial Development,
Division of
3. Finance, Division of
4. Human Rights Commission
5. Insurance, Division of
6. Professional Registration, Division of
7. Public Service Commission
Public Counsel, Office of
8. Savings & Loan, Division of
9. Tourism Commission

E. Elementary Education, Department of

1. Special Education, Division of
2. Vocational Rehabilitation, Division of

F. Higher Education, Department of

1. Colleges and Universities
2. State Library

G. State Highway Department

H. Labor & Industrial Relations, Department of

1. Employment Security, Division of
2. Labor & Industrial Relations Commission
3. Workmen's Compensation

I. Mental Health, Department of

1. State Hospitals and Schools

J. Natural Resources, Department of

1. Air Conservation Commission
2. Clean Water Commission
3. Soil & Water Districts Commission
4. Solid Waste Management
5. Parks and Recreation, Division of

K. Adjutant General

National Guard

Public Safety, Department of

1. State Fire Marshal
2. Highway Patrol
3. Liquor Control
4. Missouri Law Enforcement Assistance
Council

- L. Revenue, Department of
 - 1. State Tax Commission
 - 2. Transportation — Registration, Licensing, Safety Responsibility
- M. Social Services, Department of
 - 1. Office of Aging
 - 2. Corrections, Division of
 - 3. Family Services, Division of (Welfare)
 - 4. Health, Division of
 - 5. Nursing Home Administrators, Board of
 - 6. Probation & Parole, Board of
 - 7. Veterans' Affairs, Division of
 - 8. Youth Services, Division of
- N. Transportation, Department of
- O. Legislative
- P. Supreme Court
- Q. Missouri Bar
- R. No Jurisdiction
- S. Omnibus
- T. Resolved Without Agency Contact

(The following are copies of the monthly Ombudsman Reports that were sent to all daily and weekly newspapers in the state.)

FOR RELEASE — JULY, 1976

Ombudsman Reports

by Lt. Governor William C. Phelps

Recently, a metropolitan businessman contacted a private consumer service to obtain information about a local construction company. The service replied that the company had been a member for three years and no complaints had been registered against the company.

The reply angered the businessman because he had personal knowledge of at least five complaints against the company. He had filed a * complaint himself a year ago when he had conducted business with the company which resulted in litigation to obtain payment.

After the businessman contacted the Ombudsman, the consumer service was asked to explain what had occurred.

Two people had worked on that company's file but its code number was never changed and the complaints were subsequently misfiled.

Because the purpose of the consumer service is to provide accurate information about businesses to consumers, the consumer service was grateful to the Ombudsman for initiating the investigation, which discovered the inadvertant error.

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Ombudsman Reports

by Lt. Governor William C. Phelps

Missouri's Ombudsman has recently been instrumental in locating funds to remedy a dangerous railroad crossing in a rural part of the state. The community petitioned the Public Service Commission to repair the situation but was told that the costs must be divided equally between the county court and the railroad.

The proposed solution, however, was not feasible because neither the township nor the county court had available funds.

In the search for a practical solution, the Ombudsman contacted the Department of Transportation and the Division of Highway Safety and exhausted several potential federal programs.

It was learned that on May 5, 1976 the United States

Congress passed and President Ford subsequently signed the Federal Highway Act which contained provisions for possible funding. As of July 1, 1976 these funds are available by application through the Public Service Commission.

The Ombudsman was glad to have assisted this rural community in improving their highway safety.

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Ombudsman Reports

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OMBUDSMAN HELPS AGENCY TO IMPROVE SERVICE

Recently, a small Missouri business contacted the Ombudsman concerning their problem with the Franchise Tax Bureau of the Department of Revenue. The business had become delinquent in paying franchise taxes for the years 1971 through 1975. The company made a single payment to cover the delinquent years. The Franchise Tax Bureau computer credited the account with an overpayment for 1975 and left an unpaid balance for the previous years.

Bureau, the individual problem was rectified by crediting payment for the previous year's taxes without payment by separate checks. Steps were subsequently taken to locate the insufficient crediting method within the computer program and the program was rewritten to accommodate single payments for delinquent franchise tax. This eliminated unnecessary use of man hours for the agency and improved the Department of Revenue's service to the public.

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In order to correct the record, the Department of Revenue requested that the company make checks for each delinquent year. The businessman contended that the request was an unnecessary bureaucratic requirement. The Ombudsman agreed.

After the Ombudsman contacted the Franchise Tax

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CITY AND STATE AGENCY REACH AGREEMENT

The mayor of a small Missouri community recently turned to the Ombudsman for help. The city had been attempting to install a new sewer system for several years.

The plans for the sewer system had been submitted to the Clean Water Commission for approval and the agency's list of suggestions had been received by the city. The project had been advertised and preparations were made to open the bidding on the project.

A representative of the Clean Water Commission requested that a small lagoon project be added to the large project which would have required postponement of the bid and would have increased the total cost for the city.

The Ombudsman initiated a conference between the Clean Water Commission staff, the mayor, and the project engineer which resulted in an agreement to allow the major project to continue on schedule while the city agreed to contract for separate lagoon changes.

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CHILD FINDS HELP

The parents of an eleven year old multiple handicapped child contacted the Ombudsman concerning the youngster's serious problem.

The child, both immobile and deaf, had been placed in a foster home that could financially meet the child's physical needs.

Both the natural and foster parents had attempted without success to find a state program that could provide treatment for both the hearing and mobility problems. At the Regional Diagnostic Clinic, the personnel experienced in the treatment of his physical handicap could not communicate with the child. The child had been rejected by the School for the Deaf in Fulton because specialists who could respond to his hearing problem did not have the facilities to treat the physical handicap.

The Ombudsman contacted the Department of Elementary and Secondary Education and obtained a reappraisal of the child's rejection by the Missouri School for the Deaf.

As a result of the reevaluation of the child, his potential for improvement was recognized as trainable with the school's facilities and the child was accepted on a trial basis to the Missouri School for the Deaf.

Hopefully, this plan will provide the child with badly needed treatment.

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CONFUSED CITIZEN RECEIVED HELP

A citizen contacted the Ombudsman because he was confused whether the state required licensure of welders. An employee of the Missouri Highway Department had indicated that a welder must be "certified" with the state.

The citizen was provided with the information and the name of the individual he should contact if he was interested in making a state bid.

The Ombudsman contacted the Division of Professional Registration and the Secretary of State's office and varified that welders are not licensed by the state. The Department of Highways knew of no licensure requirement. However, when a welder bids for a contract with the Highway Department, a sample of his work must be submitted. This process is termed "certification".

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(For Release - January, 1977)

Ombudsman Reports

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MISSOURI HAS SMALL CLAIMS COURT

Until recently when the Ombudsman received complaints about disputes between a private individual and another individual or business, the only advice available was to contact an attorney, which was obviously not practical if a small amount of money or damages was involved.

In June, 1976, Governor Bond signed into law the establishment of a Small Claims Court as a part of the Magistrate Court, which became operational August 15, 1976.

Any individual 18 years or older, business, corporation or association can file suit without an attorney in Small Claims Court to recover up to \$500.00, court costs and interest. However, a political subdivision cannot be sued in Small Claims Court.

Each Missouri County and the City of St. Louis has a Small Claims Court, which is part of the Magistrate Court.

A Small Claims suit can be filed in the county of residence or business location of either party to the suit. If a business is located out of state the case can be filed in Cole County, the seat of government.

The filing fee is \$5.00 for a claim of less than \$100.00 and \$10.00 for a claim of \$100.00 to \$500.00. The person sued in Small Claims has the right to counter-claim.

In Small Claims Court, an individual can be represented by an attorney but the fact that an attorney is not necessary helps to minimize the cost for the citizen.

Since its inception, the Ombudsman has informed a number of Missouri citizens about the Small Claims Court who would otherwise have no recourse. I encourage Missourians to take advantage of this inexpensive means of exercising their legal rights.

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POLICY CANCELLED DUE TO DEPARTMENT ERRORS

A professor, who teaches in a Missouri college, contacted the Ombudsman with a complaint against the Missouri Department of Revenue. His automobile insurance had been cancelled because the Missouri Department of Revenue had sent his insurance company incorrect information about his family's driving records.

The Safety Responsibility Unit of the Department of Revenue is required by state law to compile data on all Missourians who are licensed to drive on Missouri highways. The data compiled includes fines and loss of points, arrests, and in case of accidents proof of insurance and the existence of outstanding court judgments due to an accident. If a license is suspended under state statute the Safety Responsibility Unit issues the order to appropriate law enforcement officials to pick up a drivers license.

In Missouri, automobile insurance companies have

legal access to the information compiled by the Safety Responsibility Unit.

The report the insurance company received was the driving records for people with similar names to members of his family who happened to have bad driving records.

When the Ombudsman discussed the problem with the Department of Revenue, the records were corrected and a letter was sent to the insurance company correcting the report.

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CITIZENS COME TO AID OF YOUNG MISSOURIAN

An 18 year old young lady sought the Ombudsman's help to obtain immediate financial assistance so she could continue her education. Both parents are deceased and she is a full time college student.

Because her father was deceased, she had been receiving Social Security Survivor's Benefits, which provide a monthly payment until the survivor becomes 18 or 22 if a full time student.

As a normal practice the Social Security Administration sends a letter to each claimant before the 18th birthday to determine if the person is intending to go forward with his or her education. In this case the letter was never received and at the time the young lady did not realize she had the option of continuing her education.

The Ombudsman contacted the Social Security office to alleviate the communication problem. The Social Security Administration verified that

she was eligible and would receive benefits again beginning in April.

In the meantime, she had applied for public assistance and Food Stamps to augment the Social Security payment while she is a student. But again, a month would lapse before any assistance would be received.

The Ombudsman contacted a volunteer organization which was able to raise from members of the community sufficient money to meet the young lady's immediate needs with the understanding that she would repay the money once her benefits are received.

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(For Release — May, 1977)

Ombudsman Reports

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OMBUDSMAN PROVIDES INFORMATION AND HELP

The Ombudsman recently was asked by a Missouri Senior Citizen to explain why her Supplemental Security Income (S.S.I.) payment decreased when her other income increased.

It was carefully explained to the lady that the S.S.I. program is intended to guarantee a minimum income level for people qualifying for the program. Therefore, when outside income increases, S.S.I. benefits decrease.

The citizen discussed several financial problems she and her blind husband face in living on a fixed income. Their home was desperately in need of a number of repairs which they could not afford. The Ombudsman contacted several volunteer

organizations about the couple's problem and located a local organization which sent a representative to the home to discuss their needs.

The Ombudsman answered previously unanswered questions and located a local, private organization to provide individual services.

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COMMUNICATION PROBLEM RESOLVED

A state representative recently contacted the Ombudsman about a problem presented by one of his constituents.

The gentleman, a builder, believed that his proposal to build a subdivision had been rejected by the Department of Natural Resources, Division of Environmental Quality because of an alleged inadequate plan for sewage disposal.

When the Ombudsman contacted the agency, it was learned that a proposal had never been filed with the agency.

The builder had relied on information given him by an engineer he had hired to prepare and submit the report.

With the knowledge that the agency had never received his proposal, he began taking the necessary steps to submit a proposal that complied with requirements of the Department of Natural Resources in order to pursue the development of the subdivision.

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